

- (8) The permittee shall at all times comply with applicable National Electrical Safety Code (National Bureau of Standards); applicable National Electrical Code (National Bureau of Fire Underwriters); and applicable FCC or other federal, state and local regulations; and standards as set forth in the permit.
- (9) In any event, the system shall not endanger or interfere with the safety of persons or property in the permit area or other areas where the contractor or permittee may have equipment located. (Ord. 41-01. Passed 8-20-01.)
- (10) The franchisee or permittee shall provide either a performance bond (or self-bonding by permittee having capitalization in excess of five million dollars (\$5,000,000) as determined by the Mayor), an irrevocable letter of credit acceptable to the Municipality or a certified check in an amount determined by the Mayor to pay the cost of restoration of the right-of-way should the permittee fail to perform restoration required by this chapter or the permit or to pay the cost of removal or relocation of the system required by this chapter should the permittee fail to perform said removal or relocation.

(c) Right-of-way Work Permit Required. All permittees shall obtain a right-of-way work permit from the Construction Services Administrator prior to beginning the erection, installation or maintenance including tree trimming, of any lines or equipment. Prior Municipal approval shall not be required for emergency repairs, routine maintenance and repairs, operation which do not require excavation in the public right-of-way, blockage of any street or alley or material disruption to any landscaping or structures and/or irrigation systems. The permittee, and/or its subcontractors shall leave the streets, alleys, and other public places where such work is done in as good condition or repair as they were before such work was commenced and to the reasonable satisfaction of the Municipality. Such right-of-way work permit shall be issued in writing and is subject to conditions that may be attached by the Construction Services Administrator including, but not limited to, requirements concerning traffic control, safety scheduling, notification of adjoining property owners, and restoration with seed, sod or specific plant material as directed by the Municipality. The permittee and/or its subcontractors shall endeavor to complete in a timely manner repairs to the right-of-way. All workmanship and materials used by the permittee and/or its subcontractors to repair the streets and roadways shall conform to the current Municipal standards and specifications and be subject to the inspection and approval of the Construction Services Administrator or authorized agent and shall be warranted for a period of two years from the date of completion for any failure due to workmanship or quality of materials. Permittees shall provide the Municipality with a work permit fee in an amount set forth in subsection (d) hereof and shall post a performance bond in an amount determined by the Mayor. Said fees are payable at the time application is made for the work permit, or in the case of an emergency repair, at the earliest time possible.

(d) Fee Schedule. Work permit fees shall be provided by the Permittee to the Municipality to ensure adequate public compensation for monitoring compliance with Municipal requirements and protection of public property.

- (1) Single new service line/tap, soft surface, \$50.00.
- (2) Single new service line/tap, hard surface, \$250.00.
- (3) Single isolated repair, soft surface, \$50.00.
- (4) Single isolated repair, hard surface, \$250.00.
- (5) Relocation of utility main, fee will be established by the Mayor based on project schedule, location and impact to public infrastructure.
- (6) New construction of utility main, fee will be established by the Mayor based on project schedule, location and impact to public infrastructure.

Fees *may* be adjusted for inflation by the Mayor, however, not more than once per calendar year.

(e) As Built Drawings. Permittee shall furnish "as-built" drawings not later than one hundred twenty (120) days after construction has been completed. Drawings shall show ownership of conduits, ducts, poles and cables used for the telecommunications or utility system. Drawings shall be drawn to an appropriate scale using the standard format adopted by the Municipality. Permittee shall provide one (1) set of CD's, in pdf format, and one (1) set of blue or black line "as-built" drawings. State plane coordinates shall be shown for benchmarks, curb lines, and structures. Drawings shall show horizontal dimensions from the curb line and elevations. (Ord. 53-05. Passed 7-18-05.)

#### **1197.06 NOTICE OF RIGHT-OF-WAY WORK; JOINT PLANNING**

(a) All applicants for right-of-way work permits under Section 1197.05 of this chapter shall file a written notice with the Construction Services Administrator at least seven days before working in or on the right-of-way, unless waived by the Construction Services Administrator, except in the case of emergency as determined by the Construction Services Administrator. In addition to such other information this chapter shall require, this notice shall contain or indicate, to the extent applicable:

- (1) The right-of-way affected;
- (2) A description of any facilities to be installed, constructed or maintained;
- (3) Whether or not any street will be opened or otherwise need to be restricted, blocked or closed;
- (4) An estimate of the amount of time needed to complete such work;
- (5) A description and timetable of any remedial measures planned to close any street opening or repair any damage done to facilitate such work;
- (6) A statement verifying that other affected or potentially affected permittees and franchisees have been notified; and
- (7) A statement that any consumers of any utility, cable television, communications or other service which will be adversely affected by such work have been or will be notified in conformance with applicable rules and regulations of the Public Utilities Commission of Ohio.
- (8) An attached plan sheet detailing the work to be performed.
- (9) The contractor's name, contact person, address and telephone numbers.
- (10) The utility owner's name, contact person, address and telephone numbers.
- (11) A maintenance of traffic plan if any street, sidewalk or path will be opened or otherwise need to be restricted, blocked or closed.

(b) All applicants for right-of-way work permits under Section 1197.05 shall submit a bond guaranteeing completion of all restoration work as required by the Mayor.

(c) Permittees and contractors may, under emergency or other exigent circumstances, work in the right-of-way so long as the permittees use best efforts to provide the Municipality the notice required by Section 1197.06 at the earliest possible time and satisfy the requirements of Section 1197.05(c). (Ord. 53-05. Passed 7-18-05.)

#### **1197.07 USE OF PERMITTEE FACILITIES.**

(a) The Municipality shall have the right to install and maintain, free of charge, upon any poles and within any underground pipes and conduits or like facilities of any telecommunication and utility or special permittee, communications facilities ("Municipal Facilities") solely for governmental use desired by the Municipality unless: